

DATE

Ms. Eleanor Burke, Deputy Director  
Historic District Landmarks Commission  
1300 Perdido Street, Room 7W03  
New Orleans, LA 70112

**Re: Louisiana Board of Ethics Docket No. 2021-718  
Advisory Opinion**

Dear Ms. Burke:

The Louisiana Board of Ethics, at its November 5, 2021 meeting, considered your request, on behalf of the New Orleans and Central Business District Historic District Landmarks Commission (“HDLC”), and its employee Gabrielle LeBlanc, for an advisory opinion as to whether a building inspector employed by HDLC may be employed as a private home inspector for a third-party employer.

**FACTS PROVIDED**

The HDLC hired Ms. LeBlanc as a building inspector in June 2021. Her job functions include identifying any and all items on the exterior of a property located in a local historic district that do not conform to the district’s design guidelines. Ms. LeBlanc would like to obtain employment with Axelrad & Associates (“Axelrad”) as a private home inspector. Her functions in this role would include identifying all issues related to a property pertinent to a prospective homebuyer.

Ms. LeBlanc has agreed that she will not conduct inspections for Axelrad for properties in any of the eight historic districts HDLC has assigned to her.

Axelrad provides home and commercial property inspections, primarily for use in property sales. Axelrad’s home inspections do not cover compliance with HDLC guidelines, and Axelrad does not assist its clients in matters involving HDLC.

**LAW**

**La. R.S. 42:1111C(1)(a)** prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

**La. R.S. 42:1111C(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person referenced in R.S. 42:1115A(1) or (B).

**La. R.S. 42:1115** refers to any person, or any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person (A)(1) has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; (B)(1) conducts operations or activities which are regulated by the public employee's agency; or, (B)(2) has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

**La. R.S. 42:1111E(1)** provides that no public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

### ANALYSIS

Based on the facts provided, Axelrad does not have a relationship with the HDLC set forth in La. R.S. 42:1115, since it does not have a contractual, business or financial relationship with HDLC or conduct operations or activities regulated by HDLC. Therefore, Ms. LeBlanc is not prohibited from working for Axelrad pursuant to La. R.S. 42:1111C(2)(d). Since the services provided to Axelrad by Ms. LeBlanc are not devoted substantially to the work she performs at HDLC, she would not be prohibited under La. R.S. 42:1111C(1)(a) from receiving compensation from Axelrad for the provision of such services. Finally, since nonconformity with HDLC guidelines is not a subject matter of the inspection reports provided to Axelrad by Ms. LeBlanc or to clients of Axelrad, Ms. LeBlanc's employment with Axelrad does not raise any issues addressed by the prohibition in La. R.S. 42:1111E(1).

### CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Ms. LeBlanc from performing inspection services for Axelrad, since neither Ms. LeBlanc, nor Axelrad, are assisting clients in matters involving HDLC.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

### LOUISIANA BOARD OF ETHICS

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Charles E. Reeves, Jr.  
For the Board